
STATUTORY INSTRUMENTS

2021 No. 1316

**The Merchant Shipping (Radiocommunications)
(Amendment) Regulations 2021**

PART 1

General

Interpretation

3. In these Regulations—

“cargo ship” means a ship which is not a passenger ship;

“Chapter IV” means Chapter IV in the Annex to the Convention (relating to radiocommunications)(1);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(2);

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(3);

“international voyage” means a voyage between—

(a) a port in the United Kingdom and a port outside the United Kingdom; or

(b) a port in a Convention country other than the United Kingdom and a port in any other country or territory, whether a Convention country or not, which is outside the United Kingdom,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to

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- (1) Chapter IV in the Annex to the Convention (see footnote (c)) has been amended by International Maritime Organization (IMO) Resolutions MSC.1(45), MSC.6(48) (Cm 3927), MSC.13(57), MSC.27(61), MSC.69(69) (Cm 5771), MSC.123(75) (Cm 6587), MSC.152(78) (Cm 7205), MSC.201(81), MSC.256(84) and MSC.436(99). The amendments to Chapter IV are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).
- (2) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).
- (3) S.I. 1997/1510, amended by S.I. 1998/1916, 1999/3206 and 2020/362; there are other amending instruments but none is relevant.

which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“Marine Guidance Note” means a note described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that note which is considered by the Secretary of State to be relevant from time to time and is specified in a Marine Guidance Note;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“non-United Kingdom ship” means any ship other than a United Kingdom ship;

“passenger” is a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (b) a child under one year of age;

“passenger ship” is a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“radio installation” means any radio installation provided on board a ship in compliance with Chapter IV, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

“Radio Regulations” means the Radio Regulations(4) annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992(5);

(4) The Radio Regulations are made at a World Radio-communication Conference in accordance with Article 13 of the Convention of the International Telecommunication Union; the existing Radio Regulations were published in 2016 and found on the International Telecommunications Union website at <https://www.itu.int/pub/R-REG-RR-2016>. Chapter IX of the Radio Regulations contains provision governing maritime services; article 47 contains provision in relation to operator’s certificates.

[^{F1}“remote operation centre” means any location from which a remotely operated vessel is operated except that vessel;]

[^{F1}“remotely operated unmanned vessel” means a vessel that—

- (a) is operated from a remote operation centre, and
- (b) is not carrying any person at the time that it is operated;]

“sea area A2”, “sea area A3”, and “sea area A4” have the same meaning as in regulation 2.1 of Chapter IV.

Textual Amendments

- F1** Words in [reg. 3](#) inserted (13.12.2023) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) Regulations 2023 \(S.I. 2023/1216\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 4\(2\)](#) (with [regs. 4, 6](#))
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Commencement Information

- I1** [Reg. 3](#) in force at 24.12.2021, see [reg. 1\(1\)](#)

(5) Cm 3145. The Constitution and Convention and their amendments may be found on the International Telecommunications Union website at <https://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx>. or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=71971>). The Constitution and Convention were amended in 1994 (Cm 3779) (<http://foto.archivalware.co.uk/data/Library2/pdf/1997-TS0065.pdf>), 1998 (Cm 9512), 2002 (Cm 9513), 2006 (Cm 9514) and 2010 (Cm 9515).

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021, Section 3.